REMARKS

Claims 1-28 were examined by the Office, and all claims are rejected. With this response claims 1, 8 and 26 are amended, no claims are added and no claims are cancelled. All amendments are fully supported by the specification as originally filed. Support for the amendments to claims 1, 8 and 26 can be found at least at page 4, lines 4-10 and page 11, lines 19-22. Applicant respectfully requests reconsideration and withdrawal of the rejections in light of the amendments to the claims, and the following remarks.

Claim Rejections Under § 102

At section 1, on page 2 of the Office action, claims 26 and 27 are rejected under 35 U.S.C. § 102(b) as anticipated by Kurihara (U.S. Patent No. 5,500,939). Applicant respectfully submits that independent claim 26 is not disclosed or suggested by Kurihara, because Kurihara fails to disclose or suggest all of the limitations recited in claim 26 as amended. Kurihara at least fails to disclose or suggest that said physical protocol layer means have the same interface address allocated to each, and that each of said physical protocol layer means is for deciding whether received data belongs to them, as recited in amended claim 26.

Kurihara discloses a graphic data parallel processing and displaying apparatus with a plurality of graphic processors that each have FIFO memories. Data quantity detectors detect the quantity of data remaining in the corresponding FIFO memories. The graphic data controller selects the available ones of the FIFO memories according to the output states of the selected ones of the detectors, and transfers the graphic data to the selected FIFO memories according to the type of graphic data. See Kurihara column 4, lines 13-21. In contrast, amended claim 26 recites that each of said physical protocol layer means decides whether received data belongs to them. Therefore, even if the physical protocol layer means are considered the equivalent of the graphic processors, which applicant does not admit, the graphic processors receive graphic data based on the selection made by the graphic data controller. The physical protocol layer means receive data based on a decision made by the physical protocol layer means whether the data belongs to them. Therefore, Kurihara does not disclose or suggest that each of said physical protocol layer

means is for deciding whether received data belongs to them, because the graphic data controller decides which FIFO memories, and in turn which graphic processor is to receive graphic data.

Claim 27 depends from claim 26, and is not disclosed or suggested by Kurihara at least in view of its dependency.

Claim Rejections Under § 103

At section 2, on page 4 of the Office Action, claims 1-25 and 28 are rejected under 35 U.S.C. § 103(a) as unpatentable over Park (U.S. Patent No. 6,430,197) in view of Ogimoto et al. (U.S. Patent No. 6,032,205). The cited references, alone or in combination, fail to disclose or suggest all of the limitations recited in claim 1. The cited references at least fails to disclose or suggest allocating the same interface address to said plurality of physical protocol layer devices, or deciding, by the physical protocol layer devices themselves, whether the received data belongs to them, as recited in amended claim 1.

Park discloses an ATM layer device for constructing cells from data transmitted from an adaptation layer (AAL) and analyzing the header of the cell inputted thereto before transmitting the cell to the AAL. See Park column 4, lines 33-36. Park provides a demultiplexing unit for extracting routing information from each header of the ATM cells, and for demultiplexing the ATM cells into a physical layer device unit according to the extracted routing information. In contrast to amended claim 1, Park provides a routing information extraction unit for extracting the routing information from the header of an ATM cell, and for sending the cell to a corresponding physical layer device. See Park column 4, lines 60-63. Amended claim 1 recites that the physical protocol layer devices themselves decide whether received data belongs to them. Park instead provides that the extraction unit decides which physical layer device to send an ATM cell. Therefore, the physical layer devices discussed in Park do not decide themselves whether an ATM cell belongs to them, but instead receive cells based on the decision made by the extraction unit. In addition, Ogimoto also fails to disclose or suggest this limitation recited in amended claim 1. Therefore, for at least the reason discussed above, the cited references alone or in combination fail to disclose or suggest all of the limitations recited in claim 1.

Furthermore, in response to the Office's discussion on page 11 of the Office Action applicant respectfully reasserts that Ogimoto is not analogous art, and therefore can not be

relied upon in the rejection of claim 1. Applicant respectfully submits that Ogimoto is not related to buffer management, but rather is related to a crossbar switch for use in a parallel computer having a plurality of computers connected to a switch type network and a broadcast communication method thereof for avoiding a deadlock between broadcast messages within the switch type network. See Ogimoto column 1, lines 12-17. Ogimoto is therefore not reasonably pertinent to the particular problem with which the applicant of the current application is concerned. A reference is considered reasonably pertinent if it is one that would have logically commended itself to an inventor's attention in considering his problem. *In re Clay*, 23 USPQ2d 1058, 1061 (Fed. Cir. 1992). In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. MPEP § 2141.01(a); *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Since Ogimoto meets neither of these requirements, Ogimoto is not analogous art, and thus cannot be used as a reference, and since the Office action admits that Park fails to disclose or suggest all the limitations of claim 1, claim 1 is further patentable over the cited references. Therefore, applicant respectfully requests that the rejection of claim 1 be withdrawn.

Independent claim 8 contains limitations similar to those recited in independent claim 1, is amended in a manner similar to claim 1, and for at least the reasons discussed above in relation to claim 1, is patentable over the cited references.

Dependent claims 2-7 and 9-25 and 28 depend directly or indirectly from an independent claim, and are patentable over the cited references at least in view of their dependencies.

Conclusion

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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